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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

In the Matter of)
Toll Free Access Codes) CC Docket No. 95-155

REPLY

BellSouth Telecommunications, Inc. ("BellSouth") herewith files responsive comments in the above-captioned proceeding. Approximately 100 parties, comprising a range of providers and customers, have participated in this rulemaking¹ to establish principles and procedures for the allocation of numbers within the toll free service access codes (SACs). Like the majority of these commenters, BellSouth's initial filing addressed the full array of issues presented through 888 and other SAC deployment. By contrast, this reply is directed to a limited set of questions of particular significance to BellSouth in its multiple roles of RespOrg, Service Management System (SMS)/800 owner and Service Control Point (SCP) owner/operator.

Accordingly, BellSouth reiterates its support for requirements limiting number reservation and assignment to customers who have affirmatively requested toll free service. Further, BellSouth supports maintaining the practice

¹ In the Matter of Toll Free Service Access Codes, CC Docket No. 95-155, FCC No. 95-419, Notice of Proposed Rulemaking, released October 5, 1995 (hereinafter "NPRM").

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of number assignment on a "first come, first served" basis with no grant of a "right of first refusal" for vanity numbers. Lastly, BellSouth restates its opposition to a six-month deployment schedule for future SACs and a proposed software availability date of February 1997. As explained below, these suggestions ignore vendor commitment dates, require an inefficient outlay of LEC resources and constrain future offerings of toll free service to the parameters of current technology.

DISCUSSION

1. Reservation and assignment of toll free numbers should be contingent upon receipt of an affirmative customer request.

Many parties representing different industry segments have commented favorably upon the proposal to require an affirmative customer request as a condition for toll free number assignment.² This requirement should be incorporated in codified rules and enforced as necessary through fines and/or RespOrg suspension.

To avoid problems like those which have arisen in the context of letters of authorization (LOAs) for PIC subscription,³ BellSouth recommends that the Commission prescribe appropriate wording and format to govern toll free service

² See, e.g., Ameritech, p. 3; AT&T, pp. 5-7; SCG, p. 5.

³ The Commission recently found it necessary to establish new rules governing LOAs in response to abuses which have been observed in PIC subscription activity. See Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129, Report and Order, 10 FCC Rcd 9560 (1995).

requests which will have industry-wide application. Concededly, the collection and retention of customer request documentation will impose some administrative burdens on RespOrgs; nevertheless, this proposal represents the most straightforward and effective means for addressing the problem of number warehousing. As such, it is well worth the additional recordkeeping expense.

In its initial comments, BellSouth argued that the customer request condition should be extended to number reservation as well as number assignment. BellSouth continues to support this measure, as do certain other filing parties.⁴ Nevertheless, if the Commission declines to require customer request as a predicate to number reservation, some benefits can be achieved through proposals which would limit the retention of numbers in RESERVED status to 45 days, which would limit the quantity of numbers placed in RESERVED status to 10% or less of total working numbers, and which would prohibit computerized random number search. These measures, if adopted through the current NPRM, will minimize the anti-competitive effects occasioned by withdrawal of desirable numbers from availability status without an identified demand.

⁴ See, e.g., CompTel, pp. 5-6; TRA, pp. 5-6.

2. Assignment of toll free numbers should continue to be determined by “first come, first served” with no right of first refusal accorded for vanity numbers.

A significant percentage of service providers support the continuation of a system of “first come, first served” for the assignment of toll free numbers.⁵ Some of these commenters observe that telephone numbers have traditionally been considered a public resource and express misgivings over a measure (i.e., right of first refusal) which would vest end user customers with quasi-ownership rights in toll free numbers.⁶ Others note the impossibility of formulating a definition of “vanity numbers” which would be subject to a right of first refusal and which definition would be fair and logical while imposing some limits on the percentage of toll free numbers to be appropriated in this fashion.⁷

BellSouth is in full agreement with these comments and urges the Commission to retain the current system of “first come, first served” number assignment. To the extent other measures are considered necessary, a temporary moratorium of 6-12 months on the assignment of selected 888 numbers as proposed in BellSouth’s comments, coupled with public education efforts, should be the methods of choice to address problems of misdialing. End user concerns respecting trademark infringement or other unfair competition can be addressed only through the courts. The Commission lacks the expertise, the

⁵ MCI, pp. 11-12; Sprint, pp. 7-8; NEXTLINK, p. 4.

⁶ Allnet, p. 10; CWI, p.4.

⁷ See, e.g., PCIA, pp. 10-12.

means and the authority to resolve such issues and should not sacrifice limited toll free number resources in a vain attempt to do so.⁸

3. LECs should not be required to deploy network resources in advance of a legitimate market need.

The Commission should reject NPRM proposals to require deployment of new toll free SACs on 6-months' notice and to impose a deadline of February 1997 for the completion of 8XX software installation. Without exception, commenters favoring these measures do not bear the burden of implementation. They have no understanding--and require none--of technology and resource constraints which will necessarily impact LEC compliance. Far more telling are the comments of those parties (i.e., the LECs) whose operations would be directly affected by adoption of the NPRM timelines.

LEC filings uniformly oppose mandated deadlines for toll free service/software deployment.⁹ Some, like BellSouth, cite the present unavailability of vendor commitment dates for future toll free SACs.¹⁰ More fundamentally, LECs argue against an early deployment which would limit technological options and consume resources far in advance of any discernible

⁸ If the "right of first refusal" has any merit whatsoever, it necessarily requires that the holder of a vanity number in the 800 SAC be accorded replication rights to the corresponding number in each subsequent toll free SAC. Further, any protection a "right of first refusal" conveys will be forfeited by failure to exercise the right with respect to any later-deployed toll free SAC.

⁹ NYNEX, p. 6; GTE, pp. 4-5; OPASTCO, pp. 8-9.

¹⁰ SWBT, pp. 14-15.

market need.¹¹ The Commission should heed these concerns and reject a mandated schedule applicable to toll free services. Such proposals go far beyond an identified need to establish procedures for the orderly deployment of toll free SACs and involve the Commission unnecessarily in the minutiae of LEC network management decisions.

¹¹ US West, p. 16; SWBT, pp. 11-13.

CONCLUSION

BellSouth appreciates the opportunity to participate in this rulemaking, which will have lasting effects on toll free service delivery, and urges the Commission to formulate rules which are consistent with the views expressed herein and in BellSouth's initial comments, filed November 1, 1995.¹²

Respectfully submitted,

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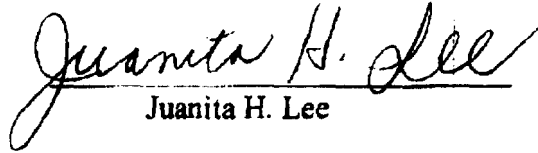
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¹² BellSouth joins other commenters in urging the Commission to conclude its investigation of LEC tariffs for the provision of 800 access service. In the Matter of 800 Data Base Access Tariffs and the 800 Service Management System Tariff, CC Docket No. 93-129, Order Designating Issues for Investigation, 8 FCC Rcd 5132 (1993). The uncertainties created by this open proceeding hamper industry efforts to develop the parameters of future toll free service offerings.

CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of November, 1995 served all parties to this action with a copy of the forgoing REPLY COMMENTS by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.



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